IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 244 OF 2003

M/S LAXMI AUTO CARE CENTRE, ...Applicants
PONDA-GOA.

Versus

M/S TULSHIDAS TRANSPORT AND ANR., ...Respondents

SHRI MANDAR SHIRODKAR,MR.S.N.SARDESSAI,PP-R.2

Coram:- P. V. HARDAS, J.

Date:- 4th December, 2003

This is an application for conversion of the Criminal Writ Petition No.22 of 2003 filed under Section 482 of the Code of Criminal Procedure, into a Criminal Revision Application, under Section 397 of the Code of Criminal Procedure. The application, under Section 482 of the Code of Criminal Procedure, had been filed principally against the Judgment of the learned Judicial Magistrate, First Class, Ponda, dated 10th April, 2003, in Criminal Case No. 121/OA/01/A, convicting the accused under Section 138 of the Negotiable Instruments Act, however, not imposing on the accused the liability to pay compensation under Section 357 of the Code of Criminal Procedure. The Criminal Writ Petition, under Section 482 of the Code of Criminal Procedure, was filed on the

91st day of accrual of the cause of action. If Criminal Miscellaneous Application No. 244 of 2003 is allowed, there would be a delay of one day in the filing of the Criminal Writ Petition. A separate application for condonation of delay is filed by the applicant.

2. In the interest of justice, therefore, Criminal Miscellaneous Application is allowed and the applicant is permitted to convert the Criminal Writ Petition filed under Section 482 of the Code of Criminal Procedure into a Criminal Revision Application under Section 397 of the Code of Criminal Procedure.

P. V. HARDAS, J.